

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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AARON L. HARTMAN

Plaintiff,

v.

Case No. 09-5028

NATIONAL BOARD OF MEDICAL  
EXAMINERS,

Defendant.

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**NATIONAL BOARD OF MEDICAL EXAMINERS'  
MOTION FOR PARTIAL STAY PENDING APPEAL  
AND FOR EXPEDITED BRIEFING ON THIS MOTION**

Pursuant to Local Rule 7.1, Defendant National Board of Medical Examiners (“NBME”) hereby requests an order partially staying the Court’s Memorandum Opinion dated March 9, 2010 (the “Memorandum”) and the corresponding Preliminary Injunction Order (the “Order”) dated March 22, 2010, pending NBME’s appeal of the Memorandum and Order. The stay would permit NBME to withhold the score that plaintiff receives when he takes the USMLE Step 2 Clinical Skills examination using a laptop computer and text-to-speech software, pending appeal. The grounds for this Motion are set forth in the accompanying Memorandum of Law.

NBME further requests that the Court expedite the briefing on this Motion, by requiring plaintiff to file any opposition brief within five (5) days, and requiring NBME to file any reply brief within two (2) days of receiving plaintiff’s opposition brief.

Wherefore, NBME respectfully requests that the briefing on this Motion be expedited; and that the Court enter an Order partially staying the Memorandum and Order pending appeal, as provided in the proposed orders submitted herewith.

Respectfully submitted,

EASTBURN AND GRAY, P.C.

  
Jane E. Leopold-Leventhal  
Grace M. Deon  
60 East Court Street  
P.O. Box 1389  
Doylestown, PA 18901  
Telephone: 215-345-7000  
Facsimile: 215-345-9142

*Attorneys for Defendant,  
National Board of Medical Examiners*

Dated: March 24, 2010